

1 TITLE DESCRIPTION

TRACT ONE:  
Being all that certain lot, tract or parcel of land situated in the Elizabeth Melton Survey, Abst. No. 583, in the town of Sulphur Springs, Hopkins County, Texas, and being a composite survey of property acquired by Borden's, Inc. As a 12,000 acre tract recorded in Vol. 394, Page 627, a 9,331 acre tract recorded in Vol. 383, page 844, and a 0.59 acre tract as recorded in Vol. 391, Page 776, all of the deed records of Hopkins County, Texas, and being more particularly described as follows:

Beginning at the intersection of the east right-of-way of Jackson Street (50 foot right-of-way) and the north line of St. Louis & Southwestern Railroad R.O.W. (100 foot right-of-way) being the southwest corner of said 9.331 acre tract, a set "X" in concrete for corner;

Thence North 00 deg. 08 min. 22 sec. East with the east line of said Jackson Street a distance of 569.67 feet to northwest corner of said 0.59 acre tract a found railroad spike for corner;

Thence North 88 deg. 37 min. 19 sec. East with north line of said 0.59 acre tract a distance of 220.10 feet to a set iron rod for corner in wire fence line;

Thence North 04 deg. 03 min. 24 sec. West with wire fence a distance of 138.77 feet the Northwest corner of said 9.331 acre tract in the south line of California Lane (50 foot right-of-way) a found fence corner for corner;

Thence North 89 deg. 27 min. 37 sec. East with the south line of said California Lane a distance of 1692.39 feet to the center of Town Creek a point for corner;

Thence with centerline of said Town Creek as follows;

South 32 deg. 46 min. 20 sec. West a distance of 99.95 feet a point for corner;

South 25 deg. 31 min. 49 sec. West a distance of 59.65 feet a point for corner;

South 40 deg. 46 min. 11 sec. West a distance of 54.15 feet to a point for corner;

South 07 deg. 06 min. 22 sec. West a distance of 29.83 feet a point for corner;

South 02 deg. 16 min. 59 sec. West a distance of 71.93 feet a point for corner;

Thence South 03 deg. 14 min. 39 sec. East leaving centerline of said Town Creek a distance of 57.55 feet to the north line of said St. Louis & Southwestern railroad right-of-way a set iron rod for corner;

Thence South 75 deg. 43 min. 27 sec. West with north line of said railroad right-of-way a distance of 1142.75 feet to the beginning of a curve to the right having a central angle of 14 deg. 32 min. 36 sec., a radius of 2735.41 feet and a chord bearing and distance of South 80 deg. 53 min. 03 sec. West 692.46 feet, a set iron for corner;

Thence along said curve with the north line of said railroad right-of-way an arc length of 694.33 feet to the POINT OF BEGINNING and containing 963,382.02 square feet or 22.116 acres of land, more or less.

TRACT TWO:  
All that certain lot, tract or parcel of land situated in the Elizabeth Melton Survey, Abst. No. 583, in the town of Sulphur Springs, Hopkins County, Texas, and being more particularly described as follows:

Commencing at the intersection of the east line of Jackson Street (50 foot right-of-way) with the north line of California Lane (50 feet right of way) a point for corner;

Thence North 89 deg. 27 min. 37 sec. East with the north line of said California Lane a distance of 1104.94 to the Point of Beginning being the southeast corner of Meager Park, a found fence corner post for corner;

Thence North 00 deg. 42 min. 56 sec. West with the east line of said Meager Park, a distance of 540.00 feet to the most northern southwest corner of a fifteen (15) acre tract of land conveyed by W.C. Payne and wife, to Jack Ferguson by deed dated December 5, 1939, of record in Vol. 143, page 229, Deed Records, Hopkins County, Texas, a set iron rod for corner;

Thence North 89 deg. 27 min. 37 sec. East a distance of 350.00 feet to an ell corner of said 15 acre tract, a set iron rod for corner;

Thence South 00 deg. 42 min. 56 sec. East a distance of 540.00 feet to the north line of said California Lane, a found fence corner post for corner;

Thence South 89 deg. 27 min. 37 sec. West with the north line of said California Lane a distance of 350.00 feet to the Point of Beginning and containing 188,999.11 square feet or 4.339 acres or land, more or less.

Being the same tracts of land described as Tracts One and Two in a Title Report by First American title Insurance Company Commitment G.F. No. 1002-36423TX-RTT, with an effective date of January 15, 2013.

4 SURVEYOR CERTIFICATION

To: Morningstar Foods, LLC, a Delaware limited liability company; First American title Insurance Company; and Commercial Due Diligence Services.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 13, 16, 17, 18, and 21 of Table A thereof.

The field work was completed on: 12/28/2012.

Date of Plat or Map: 01/23/2013.



David M. Henderson  
Registered Professional Land Surveyor No. 4489  
In the State of Texas

Survey Prepared By:

BENCHMARK GROUP OF TEXAS, INC.



889 E. ARAPAHO RD.  
RICHARDSON, TX 75081  
PHONE: (972) 680-3037  
FAX: (972) 680-3052

5 FLOOD INFORMATION

By graphic plotting only, this property is in Zone: "X" and partially located in Zone: "AE" of the Flood Insurance Rate Map, Community Panel No. 480358 0005 D, which bears an effective date of December 15, 1989 and is partially in a Special Flood Hazard Area. By telephone call to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

AS SURVEYED LEGAL DESCRIPTION

TRACT ONE:  
Being all that certain lot, tract or parcel of land situated in the Elizabeth Melton Survey, Abst. No. 583, in the town of Sulphur Springs, Hopkins County, Texas, and being the same property described as South Tract in Special Warranty Deed acquired by Milk Products, LLC a Delaware limited liability company, as recorded in Vol. 254, Page 846, of the Real Property Records of Hopkins County, Texas, and being more particularly described as follows:

Beginning at a p.k. nail found for corner at the intersection of the east right-of-way of Jackson Street (50 foot right-of-way) and the north line of St. Louis & Southwestern Railroad R.O.W. (100 foot right-of-way) being the southwest corner of Tract One;

Thence North 00 deg. 29 min. 55 sec. East with the east right-of-way line of said Jackson Street a distance of 571.95 feet to a railroad spike found for corner at the northwest corner of Tract One;

Thence North 89 deg. 17 min. 27 sec. East with the south line of a 0.670 acre tract of land conveyed to Full Gospel House of Prayer, as recorded in Vol. 382, Page 734, of the Real Property Records of Hopkins County, Texas, a distance of 219.32 feet to a 3/8" iron rod found for corner in a wire fence line;

Thence North 04 deg. 00 min. 17 sec. West with wire fence a distance of 139.05 feet to a fence corner post found for corner at the Northwest corner of said Tract I, being in the south right-of-way line of Dump Road also referred to as California Lane and California Street (50 foot right-of-way);

Thence North 89 deg. 20 min. 17 sec. East with the southerly right-of-way line of said Dump Road generally along a fence, a distance of 1278.15 feet to a point for corner;

Thence South 89 deg. 49 min. 50 sec. East with the southerly right-of-way line of said Dump Road, passing at a distance of 267.39 feet a 5/8 inch iron rod set with cap stamped "BGT" for witness, continuing in all a total distance of 394.61 feet to a point for corner near the center of Town Creek;

Thence generally with centerline of said Town Creek as follows;

South 32 deg. 46 min. 17 sec. West a distance of 106.30 feet a point for corner;

South 25 deg. 31 min. 50 sec. West a distance of 59.65 feet a point for corner;

South 40 deg. 46 min. 28 sec. West a distance of 54.14 feet a point for corner;

South 07 deg. 06 min. 19 sec. West a distance of 29.84 feet a point for corner;

South 02 deg. 17 min. 00 sec. West a distance of 71.93 feet a point for corner;

Thence South 03 deg. 14 min. 39 sec. East leaving centerline of said Town Creek a distance of 57.55 feet to a 3/8 inch iron rod found at an old fence corner post in the north right-of-way line of said St. Louis & Southwestern railroad;

Thence South 75 deg. 43 min. 27 sec. West with northerly right-of-way line of said railroad a distance of 1121.35 feet to a 5/8 inch iron rod with cap stamped "BGT" set at the beginning of a curve to the right having a central angle of 14 deg. 25 min. 45 sec., a radius of 2735.41 feet and a chord bearing and distance of South 81 deg. 00 min. 53 sec. West, 687.06 feet;

Thence along said curve and the northerly right-of-way line of said railroad an arc length of 688.88 feet to the POINT OF BEGINNING and containing 958,972 square feet or 22.0150 acres of land, more or less.

Being the same tract of land described as Tracts One in a Title Report by First American title Insurance Company Commitment G.F. No. 1002-36423TX-RTT, with an effective date of January 15, 2013.

TRACT TWO LEGAL DESCRIPTION

Record Legal rotated to match Basis of Bearings of Tract One. Tract Two was rotated 00 degrees 13 minutes 23 seconds counter-clockwise.

6 CEMETERY

There is no visible evidence of cemeteries on the subject property at the time of survey.

7 STATEMENT OF ENCROACHMENTS

Observed no encroachments at time of survey.

8 ZONING INFORMATION

Zoned: HI - Heavy Industrial District Permitted Use  
Classification: Heavy Industrial Use  
Observed Use(s): Warehouse  
Existing site conditions appear (from outside observations) to fall within permitted uses as listed above in the City of Sulphur Springs Zoning Regulations

Zoning Regulations are subject to change and interpretation, for further information contact:  
City of Sulphur Springs (903)885-7541

Site Restrictions:

1. Minimum building setbacks:

Front: 25' min.

Side: None

Rear: None

2. Minimum lot area: None

3. Minimum lot coverage: None

4. Maximum building height: To any legal height not prohibited by other laws or ordinances.

5. Maximum density: None

6. Maximum floor area ratio: None Noted

COMMERCIAL  
DUE DILIGENCE SERVICES

2/3 TITLE INFORMATION/SCHEDULE "B" ITEMS

This survey is based on a title report prepared by First American title Insurance Company Commitment G.F. No. 1002-36423TX-RTT, with an effective date of January 15, 2013.

Items not listed below are standard title exceptions and/or are not matters or issues that pertain to this survey.

10g Easement & Right-of-Way - Marie Williams et vir , T.S. Williams to Texas Power & Light Co., dated April 9, 1934, recorded in Volume 130, Page 166, Deed Records, Hopkins County, Texas. MAY AFFECT, AMBIGUOUS DESCRIPTION, NOT PLOTTABLE.

10h Easement - T.S. Williams and wife, Marie Williams to Carnation Milk Company of Texas, dated June 15, 1935, recorded in Volume 132, Page 257, Deed Records, Hopkins County, Texas. MAY AFFECT, AMBIGUOUS DESCRIPTION, NOT PLOTTABLE.

9 LEGEND

POB Point of Beginning  
POC Point of Commencing  
● Found Iron Rod (FR)  
○ Set Iron Rod Capped (SIRC)  
⊗ P.K. Nail Found  
■ R.R. Spike Found  
▲ Fence Post (POST)  
PFC Point for Corner  
▤ Stairs  
AC Air Conditioner  
AS Auto Sprinkler  
⊗ Water Valve  
-T- Tube Fence  
○ Fire Hydrant  
○ Utility Pole  
✓ Vault  
⊞ Column  
⊞ Gas Meter  
GR Gas Regulator

⚡ Electric Transformer  
S Sanitary Sewer Manhole  
⊗ Unknown Manhole  
⊗ Manhole for Valve  
⊞ Drain Grate  
● Single Tree  
● Cleanout  
○ Guard Post (Bollard)  
+ Sign  
+ Easement Flagging  
MS Metal Structure  
⊗ Light Pole  
- Guy Wire  
-OP- Overhead Power Lines  
-GAS- Underground Gas  
-W- Water Line  
-SS- Sanitary Sewer Line  
VD Vent Device

11 SURVEYOR'S NOTES

It is recommended to consult a knowledgeable Attorney on these matters, a deep review of original deeds may clarify the differences:

△ Observed 3 irons at the northwest corner of Subject Tract One and Jackson Street. These irons demonstrate how separate surveys are in disagreement with the Jackson Street right-of-way.

△ All monuments found along Jackson Street are in conflict with each other. All Subject Tract monuments were found and appear to be outside of conflict area. Therefore a popular 50 foot right-of-way for Jackson Street could not be ascertained.

△ Observed all monuments along Dump Road are in conflict, however fencing demonstrates a clear location and the nessecary 50 foot for Dump Road. Northern Boundary line of Subject Tract One is the 50 foot right-of-way line.

△ Observed a commencement shortage of approximately 10 feet from Jackson Road to Subject Tract Two.

△ Observed occupation and current adjoining deed Volume 640, Page 106 to follow old fencing and fence intersection points, this causes there to be a gap between subject tract in the title commitment and adjoining tract on file at the county.

△ Observed current east adjoining deed Volume 126, Page 751 to call for the north bank of the creek, while Subject Tract One and adjainer to the north Volume 640, Page 106, call to the centerline of the creek. This is a deed overlap. Extensive deed research may resolve this issue.

△ Observed the deed for Full Gospel House of Prayer to form a square 208-1/2 foot by 140 foot lot. Church property was not found the same as stated in said deed, but was found to be in harmony with Subject Tract One.

△ Boundary line is 50 feet and parallel from the railroad tracks.

△ Dead and Plat calls for a 50 foot right-of-way but appears to have been staked within the 50 foot right-of-way, making the right-of-way short by approximately 15 feet. This may require an agreement between the parties to allow for the 50 foot right-of-way. Should be a concern of the 3 parties: Lot 3, Block 60, Full Gospel and Subject Tract One.



TEXAS EXCAVATION  
SAFETY SERVICES  
1-800-344-8377

Sheet 1 of 2

10 BASIS OF BEARINGS

The bearing base for this survey originated from the Special Warranty Deed and was obtained from control monumentation found on the Northerly right-of-way line of St. Louis & Southwestern rail road, as recorded in Real Property Records Book 254 at Page 841.

12 PARKING INFORMATION

53 Standard Spaces  
0 Handicap Spaces  
53 Total Parking Spaces

13 LAND AREA

TRACT ONE  
VOL. 254, PG. 846  
± 958,972 SQ.FT.  
± 22.0150 ACRES

TRACT TWO  
VOL. 254, PG. 846  
± 188,999.11 SQ.FT.  
± 4.339 ACRES

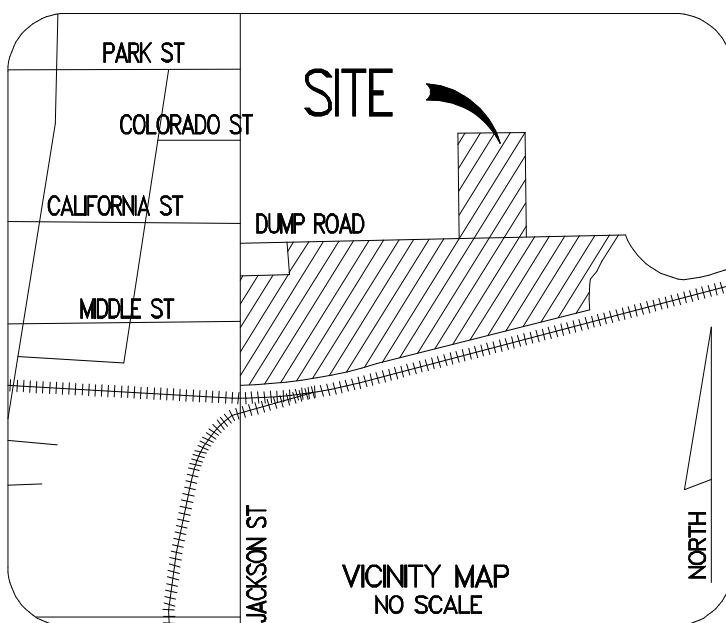
14 BUILDING AREA

Building Footprint =  
±58,517 SQ. FT.

15 BUILDING HEIGHT

Building Height = 35.0'

16 VICINITY MAP



17 NORTH ARROW / SCALE



18 ALTA/ACSM Land Title Survey

This survey prepared in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys (Effective February 23, 2011)

This Work Coordinated By:

COMMERCIAL  
DUE DILIGENCE SERVICES

1700 South Broadway, Bldg E  
Moore, Oklahoma 73160  
Office: 405.378.5800 - Fax: 405.703.1851  
Toll Free: 888.457.7878

Drwn By: CC	Date:
Surveyor Ref.No: 1256501	Revision:
Aprvd By: DH	Date:
Field Date: 12/28/2012	Revision:
Scale: 1"=100'	Date:
	Revision:

Prepared For:

20 PROJECT ADDRESS

500 N. JACKSON STREET  
SULPHUR SPRINGS, TX

Project Name:  
DEAN FOODS /MORNINGSTAR DIVISION  
CDS Project Number:  
12-121-05971

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located

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